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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,271	03/18/2004	John A. Damm JR.	11KP-122959	7805
30764 7590 07/24/2009 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 333 SOUTH HOPE STREET 48TH FLOOR LOS ANGELES, CA 90071-1448				
EXAMINER SANDERS, AARON J				
ART UNIT		PAPER NUMBER		
2168				
MAIL DATE		DELIVERY MODE		
07/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,271

Applicant(s)

DAMM, JOHN A.

Examiner

AARON SANDERS

Art Unit

2168

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 13-15, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed 30 April 2009 has been entered. Claims 1-6, 13-15, and 19-20 are pending. Claims 1-4, 6, and 13-15 are currently amended. Claims 7-12 and 16-18 are cancelled. Claims 19-20 are new. This action is FINAL, as necessitated by amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the limitations “tapping on a spreadsheet column heading and tapping on a spreadsheet row heading to select a spreadsheet cell,” “automatically increasing the value of the cell by a predetermined increment each time the spreadsheet column heading and the spreadsheet row heading are tapped,” and “maintaining the value of the spreadsheet cell until the spreadsheet column heading and the spreadsheet row heading are tapped again” do not appear in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, U.S. 5,721,847 ("Johnson"), in view of "Spin Button Embedded on Excel Spreadsheet," Experts-Exchange.com, March 2001 ("Exchange"), and in view of "StatTrak K-ForCE Pocket PC Edition Help," AllPro Sports Software, June 2003 ("StatTrak").

1. Johnson teaches "*A method of updating a spreadsheet cell having a value, the method comprising the steps of*," see col. 2, l. 57 – col. 3, l. 4, "the control comprises... a spinner. A change in the value of the cell to which the control is linked causes a corresponding change in the parameter of the control."

Johnson teaches "*tapping on the [spinner] at least two times*," see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control incrementally between a minimum and a maximum value." Johnson does not teach that the spinner is part of the "*spreadsheet cell*" so that when the user taps the spinner, he or she is also tapping the "*spreadsheet cell*." Exchange does, however: "I have many controlbox controls (in this case spin buttons) that are each totally within their own unique cell on my spreadsheet." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange's teachings would

have allowed Johnson's method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell's value with embedded spinners instead of linked spinners.

Johnson teaches "*automatically increasing the value of the cell by a predetermined increment each time the [spinner] is tapped*," see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount." Johnson does not teach that the spinner is part of the "*spreadsheet cell*" so that when the user taps the spinner, he or she is also tapping the "*spreadsheet cell*." Exchange does, however: "I have many controlbox controls (in this case spin buttons) that are each totally within their own unique cell on my spreadsheet." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange's teachings would have allowed Johnson's method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell's value with embedded spinners instead of linked spinners.

Johnson teaches "*maintaining the value of the spreadsheet cell after each tap until the spreadsheet cell is tapped again*," see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "A current value box 132 in FIG. 2H enables the user to set an initial default value that appears within the spreadsheet cell linked to the spinner graphic control, as indicated in a cell link box 142. In the example shown in FIG. 3D, spreadsheet cell D5 is linked to spinner graphic control 168."

Johnson does not teach "*and recording a statistic of an athletic competition using the value of the spreadsheet cell*." StatTrak does, however, see Fig. 51 and 7.1, "Numbers appear in

the boxes indicating the pitch count of each ball/strike,” where the claimed “statistic” is the referenced “pitch count.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain another use for its spreadsheet program, see StatTrak Figs. 221-25 which show a method of exporting the statistics to Microsoft Excel.

Johnson does not explicitly teach “*wherein the spreadsheet cell lacks an embedded graphic control or a linked graphic control.*” Johnson does teach that users of spreadsheet programs can write macros that automate tasks (col. 1, ll. 17-26), and StatTrak teaches incrementing a spreadsheet cell’s value by tapping on the cell and not an embedded graphic control (Fig. 51 and 7.1). Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to write a spreadsheet macro that would permit a user to increment a spreadsheet cell by tapping the cell and not an embedded graphic control because it would permit a user to automate a common task, see Johnson col. 1, ll. 17-26.

2. Johnson teaches “*The method of claim 1, wherein the step of tapping on the spreadsheet cell is performed by a person,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control incrementally between a minimum and a maximum value.”

3. Johnson does not teach “*The method of claim 1, wherein the step of tapping on the spreadsheet cell comprises the step of tapping on a touch screen using a stylus.*” StatTrak does, however, see Fig. 51 and 8.0, “Much of the game can be scored without the use of the stylus”

which shows that the previously cited “tapping” is performed with the stylus. Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain portability, see StatTrak 1.0.

4. Johnson teaches “*The method of claim 1, wherein the step of automatically increasing the value of the spreadsheet cell by a predetermined increment is performed by a computer,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount.”

5. Johnson does not teach “*The method of claim 4, wherein the computer is a handheld computer.*” StatTrak does, however, see 1.0, “K-ForCE is a baseball/softball scoring program for PocketPC.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain portability, see StatTrak 1.0.

6. Johnson teaches “*The method of claim 1, further comprising the step of automatically updating the value of other cells whose value depends upon the value of the spreadsheet cell,*” see col. 13, ll. 9-22, “Since other spreadsheet cells in the spreadsheet may include formulas that depend upon the value in the linked cell, decision block 200 determines if a change in the linked cell value must be used to update other cells of the spreadsheet. If so, a block 202 re-cues the spreadsheet for recalculation to reflect such changes in spreadsheet cells that are dependent upon the linked cell.”

13. Johnson teaches “*A method of updating a spreadsheet cell having a value, the method comprising the steps of,*” see col. 2, l. 57 – col. 3, l. 4, “the control comprises... a spinner. A change in the value of the cell to which the control is linked causes a corresponding change in the parameter of the control.”

Johnson teaches “*clicking on the [spinner] at least two times,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control incrementally between a minimum and a maximum value.” Johnson does not teach that the spinner is part of the “*spreadsheet cell*” so that when the user taps the spinner, he or she is also tapping the “*spreadsheet cell*.” Exchange does, however: “I have many controlbox controls (in this case spin buttons) that are each totally within their own unique cell on my spreadsheet.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange’s teachings would have allowed Johnson’s method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell’s value with embedded spinners instead of linked spinners.

Johnson teaches “*automatically increasing the value of the cell by a predetermined increment each time the [spinner] is clicked,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount.” Johnson does not teach that the spinner is part of the “*spreadsheet cell*” so that when the user taps the spinner, he or she is also tapping the “*spreadsheet cell*.” Exchange does, however: “I have many controlbox controls (in

this case spin buttons) that are each totally within their own unique cell on my spreadsheet.”

Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Exchange’s teachings would have allowed Johnson’s method to permit user choice in the location of cell controls, see Exchange, whose author considered it advantageous to control a cell’s value with embedded spinners instead of linked spinners.

Johnson teaches “*maintaining the value of the spreadsheet cell after each click until the spreadsheet cell is clicked again,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “A current value box 132 in FIG. 2H enables the user to set an initial default value that appears within the spreadsheet cell linked to the spinner graphic control, as indicated in a cell link box 142. In the example shown in FIG. 3D, spreadsheet cell D5 is linked to spinner graphic control 168.”

Johnson does not teach “*and recording a statistic of an athletic competition using the value of the spreadsheet cell.*” StatTrak does, however, see Fig. 51 and 7.1, “Numbers appear in the boxes indicating the pitch count of each ball/strike,” where the claimed “statistic” is the referenced “pitch count.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because StatTrak’s teachings would have allowed Johnson’s method to gain another use for its spreadsheet program, see StatTrak Figs. 221-25 which show a method of exporting the statistics to Microsoft Excel.

Johnson does not explicitly teach “*wherein the spreadsheet cell lacks an embedded graphic control or a linked graphic control.*” Johnson does teach that users of spreadsheet programs can write macros that automate tasks (col. 1, ll. 17-26), and StatTrak teaches

incrementing a spreadsheet cell's value by tapping on the cell and not an embedded graphic control (Fig. 51 and 7.1). Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to write a spreadsheet macro that would permit a user to increment a spreadsheet cell by tapping the cell and not an embedded graphic control because it would permit a user to automate a common task, see Johnson col. 1, ll. 17-26.

14. Johnson teaches "*The method of claim 13, wherein the step of clicking on the spreadsheet cell is performed by a person using a computer mouse or other pointing device,*" see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "The upward and downward pointing arrows of the spinner enable the user to change the value in the spreadsheet cell that is linked to the spinner graphic control incrementally between a minimum and a maximum value."

15. Johnson teaches "*The method of claim 13, wherein the step of automatically increasing the value of the spreadsheet cell by a predetermined increment is performed by a personal computer or laptop,*" see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, "Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount."

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, U.S. 5,721,847 ("Johnson"), in view of "StatTrak K-ForCE Pocket PC Edition Help," AllPro Sports Software, June 2003 ("StatTrak").

19. Johnson teaches "*A method of updating a spreadsheet cell having a value, the method comprising the steps of,*" see col. 2, l. 57 – col. 3, l. 4, "the control comprises... a spinner. A

change in the value of the cell to which the control is linked causes a corresponding change in the parameter of the control.”

Johnson does not explicitly teach “*tapping on a spreadsheet column heading and tapping on a spreadsheet row heading to select a spreadsheet cell.*” Johnson teaches selecting a spreadsheet cell by clicking on it, see col. 2, l. 57 – col. 3, l. 4. It would have been obvious to one of ordinary skill in the database art at the time of the invention to select a cell by tapping the row and column headings because it is one of a finite number of predictable solutions to the problem of how to select a spreadsheet cell, see *KSR Intern. Co. v. Teleflex Inc.*, 550 U.S. 398, 402 (2007).

Johnson teaches “*automatically increasing the value of the cell by a predetermined increment each time the [spinner is] tapped,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “Each click on one of the upward or downward pointing arrows comprising the spinner graphic control changes the value in the linked cell by an incremental amount.” Johnson does not teach that the value in the cell is incremented by tapping the “*spreadsheet column heading and the spreadsheet row heading.*” Johnson does teach that users of spreadsheet programs can write macros that automate tasks (col. 1, ll. 17-26), and StarTrak teaches incrementing a spreadsheet cell’s value by tapping on the cell and not an embedded graphic control (Fig. 51 and 7.1). Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to increment the cell by tapping the row and column headings because it is one of a finite number of predictable solutions to the problem of what to tap in order to increment the spreadsheet cell, see *KSR Intern. Co. v. Teleflex Inc.*, 550 U.S. 398, 402 (2007).

Johnson teaches “*maintaining the value of the spreadsheet cell until the spreadsheet column heading and the spreadsheet row heading are tapped again,*” see Fig. 3D and col. 10, l. 52 – col. 11, l. 4, “A current value box 132 in FIG. 2H enables the user to set an initial default value that appears within the spreadsheet cell linked to the spinner graphic control, as indicated in a cell link box 142. In the example shown in FIG. 3D, spreadsheet cell D5 is linked to spinner graphic control 168.”

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20. Johnson teaches “*The method of claim 19, further comprising automatically updating the value of other cells whose value depends upon the value of the spreadsheet cell,*” see col. 13, ll. 9-22, “Since other spreadsheet cells in the spreadsheet may include formulas that depend upon the value in the linked cell, decision block 200 determines if a change in the linked cell value must be used to update other cells of the spreadsheet. If so, a block 202 re-cues the spreadsheet for recalculation to reflect such changes in spreadsheet cells that are dependent upon the linked cell.”

Response to Arguments

Applicant's arguments with respect to the 35 U.S.C. 102 rejections of claims 1-6 and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The examiner can normally be reached on M-F 9:00a-4:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/
Supervisory Patent Examiner, Art Unit
2168

/Aaron Sanders/
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21 July 2009